REMARKS

This Amendment is fully responsive to the non-final Office Action dated December 12, 2008, issued in connection with the above-identified application. Claims 1-9 are pending in the present application. With this Amendment, claims 1-9 have been amended. No new matter has been introduced by the amendments made to the claims. Favorable reconsideration is respectfully requested.

To facilitate the Examiner's reconsideration of the present application, the Applicants have provided amendments to the specification and the abstract. The changes to the specification and the abstract include minor editorial and clarifying changes. Replacement paragraphs and a replacement abstract are enclosed. No new matter has been introduced by the amendments made to the specification and the abstract.

In the Office Action, claim 3 has been objected to for being dependent on a rejected base claim but would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claims. The Applicants have decided not to rewrite claim 3 (as suggested by the Examiner) at this time. The claim amendments and arguments presented herein are believed to be sufficient to overcome the rejection to the independent claim (i.e., claim 1) from which claim 3 depends. Accordingly, withdrawal of the objection to claim 3 is respectfully requested.

In the Office Action, claim 9 has been rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. Specifically, the Examiner notes that the program recited in the claim is not encoded on a memory/disk, and thus non-statutory. The Applicants have amended independent claim 9 to point out that the program recited in the claim is recorded or stored on "a computer-readable storage medium." Claim 9, as amended, is now believed to be directed to statutory subject matter (see MPEP 2106.01). Withdrawal of the rejection to claim 9 under 35 U.S.C. 101 is respectfully requested.

In the Office Action, claims 1, 8 and 9 have been rejected under 35 U.S.C. 102(b) as being anticipated by Dudkiewicz et al. (U.S. Publication No. 2002/0087979, hereafter "Dudkiewicz"). The Applicants have amended independent claims 1, 8 and 9 to help further

distinguish the present invention from the cited prior art. Claim 1, as amended, recites the following features:

"[a] program recommendation apparatus comprising:

a program information storage unit configured to store therein program information of television programs;

a category dictionary containing words included in the program information as keywords, where each of the keywords is stored in association with contribution factors assigned to respective categories, the television programs being classified into the categories;

an evaluation value calculation unit configured to, for each of the television programs, a) search program information of the television program for the keywords contained in said category dictionary, b) for any found keywords, obtain category summations of contribution factors of the found keywords for each of the categories, and c) calculate category evaluation values of the television program according to the category summations of the contribution factors;

a user-preference-factor storage unit configured to store therein user preference factors, each user preference factor indicating a user's preference toward a corresponding category and being shown in numerical form corresponding to the category evaluation values; and

a recommending unit configured to calculate, using a predetermined equation, a recommendation factor that is a degree of similarity between the category evaluation values of the television programs and the user preference factors, and recommend one or more television programs to the user according to the calculated recommendation factor." (Emphasis added).

The features emphasized above in independent claim 1 are similarly recited in independent claims 8 and 9. Specifically, claim 8 is directed to a method and claim 9 is directed to a program; and both claims recite steps directed to the features emphasized above in claim 1. Additionally, the features emphasized above are fully supported by the Applicants' disclosure (see e.g., ¶[0079]-¶[0082]). For example, the claimed "predetermined equation" corresponds to Equation (1) in the Applicants' disclosure (see ¶[0080]).

The present invention (as recited in independent claims 1, 8 and 9) is distinguishable over the cited prior art in that a recommending unit (or steps) calculates, using a predetermined

equation, a recommendation factor that is a degree of similarity between the category evaluation values of the programs and the user preference factors, and recommends one or more programs to a user according to the calculated recommendation factor.

Accordingly, the present invention provides the advantageous effect of definitely and easily judging whether each program matches a user's preference based on a recommendation factor shown in numerical form and more certainly recommend a program that matches the user's preference. No such features are believed to be disclosed or suggested by the cited prior art.

In the Office Action, the Examiner relies on Dudkiewicz for disclosing or suggesting all the features recited in independent claims 1, 8 and 9.

Dudkiewicz discloses a system and method for recommending a video program to users. Specifically, according to Figs. 13-15 and paragraphs [0088]-[0094] of Dudkiewicz, a video program that matches a user's preference is recommended using a viewer profile. However, Dudkiewicz neither discloses nor suggests "to calculate, using a predetermined equation, a recommendation factor that is a degree of similarity between the category evaluation values of the programs and the user preference factors, and recommend one or more programs to the user according to the calculated recommendation factor," as recited in independent claims 1, 8 and 9.

Accordingly, if the system and method of Dudkiewicz were implemented a recommendation factor shown in numerical form would not be used. Therefore, it is impossible to definitely and easily judge whether each program matches a user's preference using the system and method of Dudkiewicz. Based on the above discussion, independent claims 1, 8 and 9 are not anticipated or rendered obvious by Dudkiewicz.

In the Office Action, claims 2 and 4-6 have been rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Marsh (U.S. Publication No. 2003/0225777, hereafter "Marsh"); and claim 7 has been rejected under 35 U.S.C. 103(a) as being unpatentable over Dudkiewicz in view of Marsh, and further in view of Ohnuma et al. (U.S. Publication No. 2005/0060743, hereafter "Ohnuma") and Herz et al. (U.S. Publication No. 2001/0014868, hereafter "Herz").

Claims 2 and 4-7 depend from independent claim 1. As noted above, Dudkiewicz fails to disclose or suggest all the features recited in independent claim 1, as amended. Additionally,

Marsh, Ohnuma and Herz fail to overcome the deficiencies noted above in Dudkiewicz.

Specifically, Marsh discloses a system and method for the recommendation of media contents to users. Specifically, according to paragraphs [0036]-[0039] of Marsh, media contents are recommended to a user based on a user viewing log.

However, Marsh neither discloses nor suggests "to calculate, using a predetermined equation, a recommendation factor that is a degree of similarity between the category evaluation values of the programs and the user preference factors, and recommend one or more programs to the user according to the calculated recommendation factor," as recited in independent claim 1.

Therefore, using the system or method disclosed in March, it is impossible to definitely and easily judge whether each program matches a user's preference. Both Ohnuma and Herz also possess similar deficiencies.

Accordingly, no combination of Dudkiewicz, Marsh, Ohnuma and Herz discloses or suggests "to calculate, using a predetermined equation, a recommendation factor that is a degree of similarity between the category evaluation values of the programs and the user preference factors, and recommend one or more programs to the user according to the calculated recommendation factor," as recited in independent claim 1.

Therefore, no combination of Dudkiewicz, Marsh, Ohnuma and Herz would result in, or otherwise render obvious, claims 2 and 4-7 at least by virtue of their dependencies from independent claim 1.

In light of the above, the Applicants respectfully submit that all the pending claims are patentable over the prior art of record. The Applicants respectfully request that the Examiner withdraw the rejections presented in the outstanding Office Action, and pass the present application to issue. The Examiner is invited to contact the undersigned attorney by telephone to resolve any remaining issues.

Respectfully submitted,

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